



County of Orange

MEMO

FILE: PA06-0086

DATE: November 16, 2006

TO: File/Record/Applicant

FROM: Timothy S. Neely, Director, RDMD/Planning and Development Services

SUBJECT: Planning Application PA06-0086 for Administrative Site Development Permit

APPLICANT: Steve and Sylvia Kelekian, property owners

LOCATION: 19362 St. Jude, Cowan Heights

I. NATURE OF PROJECT:

Owner requests a Site Development Permit to place more than 500 cubic yards of fill on existing slopes that are greater than 30%. In this case, approximately 2250 cubic yards of grading is being done, some on existing slopes that are less than 30%. Previously, via GB030062 and PA020133, 3210 cubic yards of grading, again mostly fill, was done on another portion of this same site.

The project was reviewed by the North Tustin Advisory Committee, which unanimously recommended approval of the project on October 18, 2006, with "the condition(s) that the applicant work with neighboring properties to find equitable arrangements for making (private) road repairs at the close of project".

As background, many of the older private residential roads in unincorporated Orange County were constructed with engineering for which at the time there was no County review and for which there is now no record. In recent years, as the size of home improvement projects has increased, with a corresponding increase in the size of construction equipment, instances of damage to the pavement and/or base of these private roads have been noted during and as a result of larger home improvement projects. As a general rule, if homeowners limit themselves to the import or export of dirt solely by bobtail dump trucks with a maximum 5 cubic yard payload that weigh 13,000 lbs. empty, the risk of private road damage is small, but increases considerably with the use of heavier equipment.

It would seem the intent of NTAC was to require a condition for this project along the lines of one imposed for similar reasons on PA040075. The recommended wording here would be as follows:

"Applicant will bear the responsibility of repairing damages to St. Jude in the event these damages are from the direct result of misuse, negligence or the willful misconduct by applicant or any of their contractors during this project. This does not apply to normal wear and tear of the road. The preexisting condition of the road will be noted by applicant with photos and or a video before the start of the project."

The property is zoned E4 (100) Small Estates, and has a General Plan land use designation of "Suburban Residential".

II. REFERENCE: (Authority for Administrative action is given by what ordinance, regulation, etc.)

Orange County Zoning Code Sections 7-9-139(b)(2) and 7-9-150 "Discretionary Permits and Procedures".

III. ENVIRONMENTAL DOCUMENTATION:

The project has, under its documentation requirements of CEQA, an Addendum to previously certified Negative Declaration IS PA0200133. Appendix A contains the required Finding.

IV. CERTIFICATION:

I hereby certify that the subject proposal has been Conditionally Approved as noted below.

Timothy S. Neely, Director
RDMD/Planning and Development Services

By: _____
Ron Tippets, Chief
Site Planning, Land Use Services

ATTACHMENTS:

Appendix A - Findings

Appendix B - Conditions of Approval

APPEAL PROCEDURE

Any interested person may appeal the decision of the Director on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.